

false and misleading as applied to an oil to which had been added artificial color and artificial flavor.

Misbranding (both brands), Section 403 (c), the product was artificially colored and artificially flavored in imitation of olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated, olive oil.

DISPOSITION: September 22, 1944. Pleas of guilty having been entered, each defendant was fined \$25.

7180. Adulteration and misbranding of olive oil. U. S. v. 80 Cartons of Olive Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 13910. Sample No. 79111-F.)

LIBEL FILED: On or about October 17, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 14, 1944, by Frank Scappatura, from Oakland, Calif.

PRODUCT: 80 cartons, each containing 1 5-gallon can, of olive oil at Chicago, Ill.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an oil other than olive oil had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), the label statement "Olive Oil" was false and misleading as applied to an article consisting essentially of an oil other than olive oil.

DISPOSITION: November 15, 1944. V. Formusa Co., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7181. Adulteration and misbranding of peanut oil. U. S. v. 31 Cases of Peanut Oil (and 1 other seizure action against peanut oil). Decrees of condemnation. Portion ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 11606, 13017. Sample Nos. 60408-F, 71933-F, 71934-F.)

LIBELS FILED: January 10 and August 9, 1944, Northern District of California and Western District of Washington.

ALLEGED SHIPMENT: On or about November 8 and 11, 1943, by Agash Refining Corporation, from Brooklyn, N. Y.

PRODUCT: 31 cases, each containing 24 1-pint bottles, of peanut oil at San Francisco, Calif., and 302 cases, each containing 24 pint bottles, and 155 cases, each containing 12 quart bottles, of peanut oil, at Seattle, Wash.

LABEL, IN PART: (Bottles) "Royal Cook Brand * * * Peanut Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of peanut and cottonseed oils had been substituted in whole or in part for peanut oil, which the article purported to be.

Misbranding, Section 403 (a), the statement "Peanut Oil" was false and misleading as applied to the article; Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 20 and October 14, 1944. The Agash Refining Corporation and Italian Cook Oil Corporation, its successor, claimant for the Seattle lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the San Francisco lot, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivering the article to a local charitable institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

7182. Adulteration and misbranding of ground cinnamon. U. S. v. 34 Cartons of Cinnamon. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12687. Sample No. 80035-F.)

LIBEL FILED: June 14, 1944, Eastern District of Missouri. Amended libel filed July 8, 1944.

ALLEGED SHIPMENT: On or about April 12, 1944, by LaSalle Mfg. Co., from Chicago, Ill.

PRODUCT: 34 cartons, each containing 24 1-ounce cans, of ground cinnamon at Mexico, Mo.

LABEL, IN PART: (Cans) "Florence Nightingale Pure Ground Cinnamon."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of cinnamon had been in part omitted from the article; Section 402 (b) (2), a substance, seed meal, had been in part substituted for ground cinnamon, which the article was represented to be; and, Section 402 (b) (4), seed meal had been added to the article and mixed and packed therewith so as to increase its bulk and reduce its quality and strength.

Misbranding, Section 403 (a), the name "Pure Ground Cinnamon" was false and misleading as applied to a mixture of cinnamon and seed-meal tissue; and, Section 403 (d), the container was so filled as to be misleading since the cinnamon occupied only half the volume of the cans.

DISPOSITION: August 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7183. Misbranding of powdered cinnamon. U. S. v. 71 Dozen Tins of Powdered Cinnamon. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12998. Sample No. 69695-F.)

LIBEL FILED: July 28, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about February 3 and March 11, 1944, by General Spice Co., Chicago, Ill.

PRODUCT: 71 dozen tins, containing either ½ ounce or 1 ounce, of powdered cinnamon at Lubbock, Tex.

The product was packed in shaker cartons, the containers of the ½-ounce and 1-ounce size being identical.

LABEL, IN PART: (Tin) "General Brand * * * Pure Cinnamon."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the ½-ounce cartons was so filled as to be misleading since the cinnamon occupied less than half of the volume of the carton.

DISPOSITION: September 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

7184. Adulteration of ginger root. U. S. v. 78 Bags of Ginger Root. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12746. Sample No. 52637-F.)

LIBEL FILED: June 22, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 29, 1943, and February 29, 1944, by Percy Junor, Ltd., from Spaulding, Jamaica.

PRODUCT: 78 bags, each containing 190 pounds, of ginger root at Millis, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and beetles.

DISPOSITION: July 10, 1944. The Clicquot Club Co., Millis, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered (amended July 31, 1944) providing that the product be released under bond to be reconditioned by fumigation and brushing and polishing, to sift out all dirt, insects, and insect excreta.

7185. Adulteration of poppy seed. U. S. v. 2 Bags, 3 Bags, and 43 Bags of Poppy Seed. Tried to the court. Judgment of dismissal entered. Reversed on appeal. (F. D. C. Nos. 6662, 7388, 8253. Sample Nos. 77031-E, 77032-E, 79383-E, 6301-F.)

LIBELS FILED: Between January 8 and August 25, 1942, Northern District of Ohio, Middle District of Pennsylvania, and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of November 19, 1941, and February 25, 1942, by Arco Products Co., from Brooklyn, N. Y.; and on or about April 3, 1942, by the Royale Popcorn Co., of Cleveland, Ohio, from Utica, N. Y.

PRODUCT: 2 bags at Cleveland, Ohio, 3 bags at Wilkes-Barre, Pa., and 43 bags at St. Louis, Mo., each bag containing 110 pounds of poppy seed.

Examination showed the article to be white poppy seed, one lot being artificially colored with a black carbon pigment, and the other 2 lots being artificially colored black with charcoal.